

ST. TAMMANY PARISH COUNCIL

ORDINANCE

ORDINANCE CALENDAR NO: 5290

ORDINANCE COUNCIL SERIES NO: _____

COUNCIL SPONSOR: MR. GROBY

PROVIDED BY: COUNCIL OFFICE

INTRODUCED BY: _____

SECONDED BY: _____

ON THE 2 DAY OF OCTOBER , 2014

AN ORDINANCE TO AMEND THE ST. TAMMANY PARISH CODE OF ORDINANCES CHAPTER 15, SECTION 15-617 REGULATION OF FIREWORKS TO ALLOW FOR THE SALE OF FIREWORKS IN THE UNINCORPORATED AREA OF COUNCIL DISTRICT 7, AND TO PROVIDE FOR REPEAL, SEVERABILITY AND DATE OF ENACTMENT.

WHEREAS, the Police Jury enacted Ordinance No. 85-378 prohibiting the sale of sale of fireworks within unincorporated Ward 4; and

WHEREAS, the Police Jury enacted Ordinance No. 92-1587 establishing a moratorium on all fireworks stands and retail outlets in the entire area comprising Police Jury District 7; and

WHEREAS, the Parish Council now desires to further amend Chapter 15, Section 15-617 Regulation of Fireworks to allow for the sale of fireworks in the unincorporated area of Council District 7.

THE PARISH OF ST. TAMMANY HEREBY ORDAINS:that the Parish Code of Ordinances Chapter 15, Section 15-617 Regulation of Fireworks be amended and restated as follows:

ARTICLE VIII FIREWORKS

SEC. 15-617-00 Regulation Of Fireworks

A) Definitions:

1) Retailer - Any person engaged in the business of making sales of fireworks at retail to persons other than a distributor or a jobber;

2) Sale - The sale, barter, exchange or gift or offer thereof, and each such transaction made by any person, whether as principal, proprietor, agent, servant or employee;

3) Fireworks - All incendiary, explosive devices and pyrotechnical explosive devises commonly referred to as fireworks or firecrackers.

B) Regulations:

1) It shall be unlawful to sell any items of fireworks as a retailer without first obtaining a license to be issued by the Director of Planning and Development, Parish of St. Tammany.

2) An applicant, to engage in the sale of fireworks as a retailer, must complete an application on a form provided by the Parish, setting forth such facts and information as the Parish may determine necessary and proper.

3) All applications shall be accompanied by a copy of the previous year's sales tax return or retail license. All licenses issued by the Parish shall be transferable.

4) Effective May 1, 1992, there is established a moratorium on all fireworks stands and retail outlets in the ~~entire area comprising Policy Jury District 7; and in Police Jury Council District 5, Precinct 306,~~ the area comprising the east and west side of Highway 190 north of I-12, specifically the service road in ~~Police Jury Council District 5, Precinct 306,~~ which leads to Wal-Mart, Sears, the Cinema, Kings Forest and Helenberg areas.

No application for licenses within ~~Police Jury District 7~~ or Police Jury Council District 5, Precinct 306, for possession, sale, offering for sale and use of fireworks shall be received unless the applicant has been issued a permit on or before December 31, 1991.

C) Prohibitions:

1) The sale of fireworks within unincorporated areas of Ward 4 is prohibited. Unincorporated Ward 4 area encompasses that portion of the Parish as described in Section 2-017.00 of this Code, less and except areas contained within the boundaries of any municipality or areas contained within the boundaries of Council District 7.

2) The sale of fireworks within the unincorporated area of Ward 8, less and except the portion in Police Jury Council District 6, St. Tammany Parish, Louisiana, is hereby prohibited. (Ord. No. 90-1240; adopted 03/15/90)

D) Enforcement: It shall be the duty of the Sheriff of St. Tammany Parish to enforce the provision of this Section.

E) Violations and Penalties: Any person found to be in violation of any provision of this Section by a court of appropriate jurisdiction shall be subject to the penalty provisions of Section 1-008.00 of this Code.

REPEAL: All ordinances or parts of Ordinances in conflict herewith are hereby repealed.

SEVERABILITY: If any provision of this Ordinance shall be held to be invalid, such invalidity shall not affect other provisions herein which can be given effect without the invalid provision and to this end the provisions of this Ordinance are hereby declared to be severable.

EFFECTIVE DATE: This Ordinance shall become effective fifteen (15) days after adoption.

MOVED FOR ADOPTION BY: _____ SECONDED BY: _____

WHEREUPON THIS ORDINANCE WAS SUBMITTED TO A VOTE AND RESULTED IN THE FOLLOWING:

YEAS: _____

NAYS: _____

ABSTAIN: _____

ABSENT: _____

THIS ORDINANCE WAS DECLARED DULY ADOPTED AT A REGULAR MEETING OF THE PARISH COUNCIL ON THE 6 DAY OF NOVEMBER , 2014 ; AND BECOMES ORDINANCE COUNCIL SERIES NO _____.

R. REID FALCONER, AIA, COUNCIL CHAIRMAN

ATTEST:

THERESA L. FORD, COUNCIL CLERK

PATRICIA P. BRISTER, PARISH PRESIDENT

Published Introduction: SEPTEMBER 25 , 2014

Published Adoption: _____, 2014

Delivered to Parish President: _____, 2014 at _____

Returned to Council Clerk: _____, 2014 at _____